

## REMARKS

Applicant's counsel thanks the Examiner for the careful consideration given the application.

### **Claim Rejections - 35 USC §102**

The Examiner considers the Claims 1-3 anticipated by Sodergreen (US 2,086,338). However, upon more careful consideration, it can be seen that this is not the case.

Applicant's invention comprises three serial (=subsequent) and specific steps:

- heating (by injection of steam);
- static mixing;
- dynamic mixing.

Sodergreen does not show the three steps in subsequent phases (as shown in Figure 1 of the present application), because the baffles 28 and 30 are placed in the same chamber together with the rotating disc 11 (see figure 1 and description col. 2 lines 16-22, col. 3, lines 17-21). Furthermore the baffles 28, 30 do not "mix the product...to allow a substantially uniform distribution of the steam" (as claimed in Applicant's claim 1), because the baffles only constitute an obstacle for the product which decreases the speed of the product in the chamber (col. 3, lines 17-21).

In the present invention the provision of the dynamic mixer as a third treatment of the product consents to reduce the outlet pressure, the steam pressure and the steam temperature: this implies qualitative advantages for the product. For all of these reasons it is clear that the claims as now presented define over Sodergreen.

### **Claim Rejections - 35 USC §103**

The Examiner considers the Claims 1-3 unpatentable over Smith (US 5,906,853) in view of Palm (US 5,425,581).

Smith teaches a method for continuous manufacture of viscous food products mainly referred to cheese-type products wherein a steam injector 14 is provided a short distance upstream from

the processing chamber (col. 4 lines 51-54). Smith does not show any static mixer and does not explain in detail the steam injector.

Palm relates to a static mixer with twisted wing-shaped mixing elements combined with a steam injection heater (figures 8-9). Notwithstanding the patent states that "such a combined mixer and steam injection heater is especially suitable for highly viscous or particle and fibre-rich liquids" (col. 4, lines 49-51), Palm is not suitable for viscous food products like purees or concentrates because the small holes drilled in the tube 8 close up very quickly! This would render Palm unworkable. Furthermore, Palm does not disclose any dynamic mixer.

For the above reasons, if you incorporate the static mixer steam injector of Palm in the invention of Smith, surely you can not achieve the same features and results of Applicant's invention.

For all these reasons it is clear that the claims as now presented define over the art of record and are accordingly in condition for allowance, which is respectfully requested. If any further fees are required by this communication, please charge such fees to Deposit Account No. 16-0820, Order No. BUG7-43175.

Respectfully Submitted,  
PEARNE & GORDON LLP

By John P. Murtaugh  
John P. Murtaugh, Reg. No. 34226

1801 East 9<sup>th</sup> Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

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